

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : **27-11-2020**

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

Cont.P.No.710 of 2020

S.Palayam

..... Petitioner

-VS-

1. V.Murugesan

2. Senthil
Tahsildar,
Thiruporur Taluk,
Chengalpet District.

3. Elango
Taluk Surveyor
O/o. The Tahsildar
Thiruporur Taluk,
Taluk Office, Thiruporur,
Chengalpet District.

..... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to proceed against the second and third respondents contumacious conduct and punish them for their willful disobedience of the order of this Court passed in C.R.P.No.3509 of 2019, dated 14.11.2019.

For Petitioner : Mr.R.Narendren

For Respondents : Mr.V.T.Arvind Ghose, AGP (CS)

ORDER

This Contempt Petition has been filed against the first respondent as well as the second and third respondents, who are official respondents, i.e., Tahsildar, Tiruporur Taluk and Taluk Surveyor, Office of the Tahsildar, Tiruporur Taluk, Chengalpet District for the alleged disobedience of the orders of this Court, dated 14.11.2019 made in C.R.P.No.3509 of 2019.

2. When this contempt petition came up for hearing on 04.11.2020, it was submitted on behalf of the official respondents that, the direction issued by this Court in the said order in C.R.P has infact been complied with, where the land in question had been surveyed as early as on 21.03.2020, however, due to COVID-19 situation, the sketch could not be prepared immediately and in the meanwhile, the earlier incumbent Tahsildar got transferred and the new Tahsildar, i.e., the second respondent herein has taken incharge of the office of Tahsildar and therefore he wanted two weeks time to complete the compliance in full by preparing the sketch and file the same before the Court below as directed by this Court.

3. Accordingly, today when the case is taken up for hearing, Mr.V.T.Arvind Ghose, learned AGP appearing for the official respondents relying upon para 6 of the counter affidavit has submitted that, the sketch as directed by this Court having been prepared was filed before the District Munsif Court at Chengalpet in I.A.No.778 of 2018 in O.S.No.237 of 2016 on 20.11.2020. The relevant portion of the affidavit at para 6 reads thus :

"6. I respectfully submit that the report prepared by me enclosing all the relevant records were filed before the Hon'ble District Munsif Court, at Chengalpet in I.A.No.778 of 2018 in O.S.No.237 of 2016 on 20.11.2020 in compliance of this Hon'ble Court direction."

3. Therefore the learned Additional Government Pleader would contend that, though belatedly, because of COVID-19 situation, since the orders of this Court has been complied with, that can be taken note of and accordingly, this Contempt Petition may be disposed of, he contended.

4. However, Mr.R.Narendren, learned counsel appearing for the petitioner, though had accepted that, the orders of this Court has been

complied with, ofcourse belatedly and the sketch prepared in this regard by the Tahsildar concerned was filed before the Court below, on perusal of the same, he finds some error in the sketch, therefore, in order to rectify the same, liberty may be given to the petitioner, to approach the second respondent, only for the purpose of rectifying the error and after getting it rectified, the rectified copy may be directed to be served enabling the petitioner to file it before the Court below.

5. In view of the said compliance made by the official respondents, i.e., respondents 2 and 3, where they completed the survey and after preparing the sketch, filed the sketch also before the Court below, as directed by this Court, this Court feel that, nothing further survives in this contempt petition to be adjudicated, accordingly, this contempt petition is liable to be closed and accordingly, it is closed.

6. However, if at all any error crept in the said sketch prepared and filed by the second respondent, in order to rectify the same, liberty is given to the petitioner to approach the second respondent and if such attempt is made by the petitioner, the second respondent, Tahsildar, shall consider the said request and if really any genuine mistake is occurred or error crept in, in

the said sketch already prepared and filed, the same can be rectified and the rectified copy can also be given to the petitioner.

7. With the aforesaid liberty, the Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

tsvn

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/03/12/2020

To

1. The Tahsildar,
Thiruporur Taluk,
Chengalpet District.
2. The Taluk Surveyor
O/o. The Tahsildar
Thiruporur Taluk,
Taluk Office, Thiruporur,
Chengalpet District.